

Art Unit: 2613

1. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 are rejected for the same reasons as set forth in items (4) and (6) of paragraph (1) of the last Office Action (See Paper no. 2). The applicant's traversal of the rejection as shown at pages 7-8 of the amendment filed April 10, 2001 is not persuasive for the following reasons. Basically, the time frame between when the invention was reduced to practice till the time the application is filed, for example, there could be various versions of the recommendations. And unless the versions and dates of the recommendations are provided, the metes and bounds of the claimed limitations are not clearly set forth, and thus renders the claims indefinite.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gormish et al of record (5,689,589) in view of Bowater et al of record (5,404,446) and Davis et al of record (5,838,678).

Gormish et al discloses a data compression for palettized video images as shown in Figures 1-3, and substantially the same method for producing a compressed video bitstream that

Art Unit: 2613

includes compressed video data for a plurality of frames from data that specifies a single still image as claimed in claims 1 and 4, comprising substantially the same fetching the data for the still image (i.e., 104 of Figure 1); encoding data for the still image into data for an intra frame (i.e., 108 of Figure 1 and see column 4, lines 49-65); storing the encoded I frame data (i.e., 204C of Figure 2); assembling the compressed video bitstream by appropriately combining data for at least a single copy of the stored I frame (see Figure 2); whereby decoding of the compressed video bitstream produces frames of video that do not appear to pulse visually (see 122 of Figure 1 and Figure 3); and wherein parameters employed in encoding the data for the still image produce an amount of data for the I frame that approaches, but remains less than, storage capacity of a buffer memory included in a decoder that stores the compressed video bitstream (see 204D of Figure 3).

Gormish et al does not particularly disclose, though, the followings:

- (a) assembling the compressed video bitstream by appropriately combining data for at least one null frame, and various headers required for decodability of the compressed video bitstream; wherein the null frames assembled into the compressed video bitstream also include bitstream stuffing whereby the compressed video bitstream is transmittable at a pre-established bitrate as claimed in claims 1 and 5;
- (b) the assembled compressed video bitstream is decodable in accordance with the MPEG-1 standard; and the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream, at a beginning of group of pictures, a

Art Unit: 2613

group start code, for each encoded frame, a picture start code, and a sequence end code ending the compressed video bitstream as claimed in claims 2 and 6; and

(c) the assembled compressed video bitstream is decodable in accordance with the MPEG-2 standard; and the various headers assembled into the compressed video bitstream include a sequence header beginning the compressed video bitstream; for each encoded frame a picture header, and a picture coding extension; and a sequence end code ending the compressed video bitstream as claimed in claims 3 and 7.

Regarding (a) to (c), Bowater et al discloses a dual buffer video display system as shown in Figure 1, and teaches the conventional assembling of compressed video bitstream by combining null frames (see column 4, lines 11-68). In addition, Davis et al discloses a method and device for preprocessing streams of encoded data to facilitate decoding streams back to back as shown in Figures 2, 3A, 3B, 5, and 6, and teaches the conventional MPEG-1 and MPEG-2 standard decodings (see column 1), assembling the compressed video bitstream by appropriately combining data for headers such as sequence header, group start code, picture start code, sequence end code, picture header, and picture coding extension (see column 3, line 41 to column 4, line 16), as well as bitstream stuffings whereby the compressed video bitstream may be transmitted at a pre-established bitrate (see Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Gormish et al, Bowater et al, and Davis et al references in front of him/her and the general knowledge of MPEG specification requirements, would have had no difficulty in providing the MPEG-1 and MPEG-2 decodings with the required header data as well as including

Art Unit: 2613

the null frames and bitstream stuffings in the compressed video bitstream as shown in the combination Bowater et al and Davis et al for the compressed video data within encoder and decoder as shown in Figures 1-3 of Gormish et al for the same well known video bit processing and standard compliance purposes as claimed.

4. Regarding the applicant's arguments at pages 9-10 of the amendment filed April 10, 2001 concerning that "... Other than for the text identified above in the Examiner's Action ... Applicant is unable to find anywhere in that reference any further use of the word "still" or of the reference number 104. Also, Applicant is unable to find in the cited text any express discussion regarding an intra ("I") frame, i.e., a frame of compressed video data which can be decoded without reference to data in another frame of video data ... ", the Examiner wants to firstly point out that it is not particularly understood why it is necessary to have other references to the still image or of reference number 104 within Gormish et al as argued by the applicant. Secondly, it is well recognized in the art of lossless and lossy compression of digital video images as identified at column 1 of Gormish et al involves intra- and inter-frame processings. The Examiner wants to also stress that: One of ordinary skill in the art is presumed to possess a certain amount of background knowledge independent of the references. *In re Sovish*, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985); *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (C.C.P.A. 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. *In re Bozek*, 416 F.2d 1385, 163 USPQ 545 (C.C.P.A. 1969). With the above in mind, it is submitted